

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

METROPOLITAN TRANSPORTATION  
AUTHORITY and TRIBOROUGH BRIDGE  
AND TUNNEL AUTHORITY,

Plaintiffs,

and

RIDERS ALLIANCE and SIERRA CLUB, NEW  
YORK STATE DEPARTMENT OF  
TRANSPORTATION, and NEW YORK CITY  
DEPARTMENT OF TRANSPORTATION,

Intervenor-Plaintiffs,

v.

SEAN DUFFY, in his official capacity as  
Secretary of the United States Department of  
Transportation, GLORIA M. SHEPHERD, in her  
official capacity as Executive Director of the  
Federal Highway Administration, UNITED  
STATES DEPARTMENT OF  
TRANSPORTATION, and FEDERAL  
HIGHWAY ADMINISTRATION,

Defendants.

Case No. 1:25-cv-01413-LJL

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR LEAVE TO FILE *AMICI CURIAE* BRIEF BY 504 DEMOCRATIC CLUB, CENTER FOR INDEPENDENCE OF THE DISABLED, NEW YORK, ELEVATOR ACTION GROUP, HARLEM INDEPENDENT LIVING CENTER, MOBILIZATION FOR JUSTICE, AND NEW YORK LAWYERS FOR THE PUBLIC INTEREST**

The undersigned counsel represent 504 Democratic Club; Center for Independence of the Disabled, New York; Elevator Action Group; Harlem Independent Living Center; Mobilization for Justice; and New York Lawyers for the Public Interest (“Proposed Amici”), which are legal and nonprofit advocacy organizations in New York City that serve New Yorkers with disabilities. Proposed Amici submit this Memorandum of Law in support of their motion for leave to file the attached proposed brief as *amici curiae* in support of the Plaintiffs and Intervenor-Plaintiffs.

### **Interest of Amici**

Proposed Amici are legal and nonprofit advocacy organizations in New York City that serve New Yorkers with disabilities.

**504 Democratic Club** is the nation's first and largest political club advocating for the civil rights of people with disabilities. The 504 Democratic Club has long sought transportation equity for all in the disability community. The 504 Democratic Club has been successful as prime motivators for the installation of 10 elevators in Lower Manhattan alone in recent years and are recognized leaders in the fight for full accessibility in our transportation systems. The Taxis For All Campaign began at 504 Democratic Club meeting space, led by past Presidents Marvin Wasserman and Edith Prentiss. 504 Democratic Club’s driving motivator is its firm stance that truly independent living cannot be achieved without full transportation equity.

**Center for the Independence of the Disabled, New York (CIDNY)** is a nonprofit organization founded in 1978. CIDNY is a part of the Independent Living Centers movement: a national network of grassroots and community-based organizations that enhance opportunities for all people with disabilities to direct their own lives. CIDNY is the largest Independent Living Center in New York, servicing more than 40,000 disabled New Yorkers every year, assisting them with benefits, housing, employment, and health care problems. A core focus of CIDNY’s advocacy

is accessible transportation. The lack of reliable, equitable transit options remains one of the greatest obstacles to employment, healthcare, and civic engagement for people with disabilities. CIDNY has been deeply involved in efforts to improve accessibility in New York City, including reaching a settlement agreement with the City of New York in 2019 to install and maintain curb cuts, settling a lawsuit with the MTA for elevators in 95% of NYC Transit's subway stations by 2055; advocating for Access-A-Ride expansion and reforms; and advocating for subway elevator maintenance. CIDNY has also worked alongside Brooklyn Center for Independence of the Disabled, Mobilization for Justice, and New York Lawyers for the Public Interest to track Access-A-Ride failures and ensure paratransit users know their rights. CIDNY has strongly supported Congestion Pricing as a means to fund critical accessibility upgrades in the subway system, most importantly the elevators which the MTA plans to build.

**The Elevator Action Group (also known as Rise and Resist)** is committed to making the New York City subway system 100% accessible. The Elevator Action Group believes accessibility is not a dismissible issue, it is not a luxury or a convenience, it is a necessity and a civil right. The Elevator Action Group's work for the past seven years has involved actions and demonstrations at subway stations, testifying at MTA meetings, petitioning community boards, writing letters, attending court hearings, and working with other disability rights organizations and transit advocates to put accessibility at the top of the MTA agenda. In 2022, the MTA committed to making the subway system 95% stair-free accessible by 2055 through a lawsuit settlement. The Elevator Action Group believes that the continuation of Congestion Pricing is essential. The Elevator Action Group will continue to fight for a truly public transit system, because elevators are for everyone.

**The Harlem Independent Living Center (HILC)** was established in 1990 to provide access to independent living services to individuals with disabilities who were unserved or underserved in New York City. HILC also aimed to expand the core services of the independent living philosophy to minorities in New York City. One of the main priorities of HILC is accessible transportation and policies that promote funding major accessibility projects. HILC collaborates with other community-based organizations and advocacy groups to ensure that New York City is accessible to everyone, especially people with disabilities. HILC achieves this through advocacy, education, and collaboration. HILC is delighted to join this effort towards achieving 100% accessibility in New York City.

**Mobilization for Justice, Inc. (MFJ)** is a non-profit legal services organization that has provided free civil legal services to low-income New Yorkers for over 60 years. MFJ's mission is to achieve justice for all by prioritizing the needs of people who are low-income, disenfranchised, or have disabilities as they struggle to overcome the effects of social injustice and systemic racism. MFJ provides high-quality free, direct civil legal assistance, conducts community education and builds partnerships, engages in policy advocacy, and brings impact litigation. MFJ's disability rights legal and legislative advocacy covers a wide range of issues, including assisting seniors and people with disabilities to access appropriate transportation; assisting children with mental health disabilities and their families through medical-legal partnerships with City hospitals; assisting seniors and nursing home residents by preventing evictions and involuntary discharges; and serving people with mental health disabilities living in the community. MFJ's disability rights litigation successes include the representation of a class of people with disabilities who obtained due process protections in the Access-A-Ride application and appeal process.

**New York Lawyers for the Public Interest (NYLPI)**, founded in 1976, is a public interest law firm that, through its Disability Justice Program, advocates for the rights of persons with disabilities in New York City. NYLPI has litigated extensively on behalf of persons with disabilities. NYLPI's key issues include the right to nondiscriminatory transportation for all persons with disabilities, and NYLPI is actively working to achieve reforms of AAR and for improved access to all of New York City's transportation services, including the medallion and ride-share industries. Recent court successes include a landmark suit that resulted in improved access for AAR users who have limited English proficiency. Most recently, NYLPI filed two lawsuits in New York Supreme Court seeking to compel the MTA to include AAR users in all discount programs available to other mass transit users, and to address the inaccessible gaps between the trains and platforms in subway stations.

Together, Proposed Amici have decades of experience protecting and promoting the civil rights of people with disabilities through legal representation, individual and class action litigation, policy advocacy, education, and training. Proposed Amici have worked with countless New Yorkers with disabilities to address issues with transit and paratransit accessibility, housing, nursing homes, and other adult group homes, public education, and access to public benefits and other municipal services.

#### **Desirability and Relevance of Amici Curiae's Brief**

"District courts have broad discretion to permit or deny the appearance of amici curiae in a given case." *United States v. Ahmed*, 788 F. Supp. 196, 198 n.1 (S.D.N.Y.), *aff'd*, 980 F.2d 161 (2d Cir. 1992) (citations omitted). "An amicus brief should normally be allowed . . . when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the party are able to provide." *C&A Carbone, Inc. v. Cty. Of Rockland*, No. 08-CV-

6459, 2014 WL 1202699, at \*3 (S.D.N.Y. Mar. 24, 2014) (citations and internal quotation marks omitted)).

Given their expertise and experience, Proposed Amici wish to submit an *amicus* brief, attached as Exhibit A hereto, to provide the Court with information about the substantial benefits that the Central Business District Tolling Program (“CBDTP” or “Congestion Pricing”) has and will have for people with disabilities and the corresponding dramatic negative effects that ending the CBDTP would have on that community.

Access to public transportation is essential to the daily lives of New Yorkers with disabilities, yet New York City’s transportation system, due to its age (over a century) and historical decisions, is not sufficiently accessible. The MTA is relying on billions of dollars in projected revenue from Congestion Pricing to make many improvements to the system’s accessibility, including the construction and replacement of scores of elevators. If the program is ended, those accessibility improvements will be in significant danger of being deferred or canceled. People with disabilities also disproportionately benefit from the reduced traffic congestion and increased air quality that Congestion Pricing is yielding and will be disproportionately harmed if Congestion Pricing were ended and they were deprived of those benefits. The abolishment of Congestion Pricing would greatly harm New Yorkers with disabilities.

Proposed Amici’s interest in submitting an *amicus* brief in support of the Plaintiffs and Intervenor-Plaintiffs is to provide the Court with perspective and factual context regarding the real-world impact of Congestion Pricing that might assist the Court in reaching a fully-informed decision on this issue of important public interest.

All parties consent to this request for leave to file an *amicus* brief.

**CONCLUSION**

For the reasons set forth above, the Court should grant the motion and permit Proposed Amici to file the attached brief.

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New York, NY

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